

A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF *JANAYA DAVIS V. CITY OF ATLANTA AND DENNIS RUBIN*, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:06-CV-2818-JTC-JFK, IN THE AMOUNT OF \$85,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Janaya Davis v. City of Atlanta, et al.* is a case in which the Plaintiff, Janaya Davis, sued the City of Atlanta and former Fire Chief Dennis Rubin ("City Defendants") for violations of federal law concerning gender discrimination and retaliation that occurred when she was denied re-employment in December 2005 by the Atlanta Fire Department; and

WHEREAS, Plaintiff alleged that her failure to be re-hired was attributable to her gender and her filing of a federal Equal Employment complaint against the Atlanta Fire Department in 2003 when she was employed by the City; and

WHEREAS, the Parties engaged in mediation conducted by a federal magistrate judge; and

WHEREAS, the City Attorney has carefully reviewed the facts and the law and determined that the City Defendants' potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the settlement of the case shall not be deemed to be an admission of liability or wrongdoing on the part of the City Defendants or any other current or former employee or agent of the City; and

WHEREAS, the settlement of the case bars the Plaintiff from all future employment with the Atlanta Fire Department; and

WHEREAS, the Plaintiff is willing to settle all claims against the City Defendants for eighty-five thousand dollars (\$85,000.00), an amount that includes all costs and attorney's fees and a dismissal with prejudice as to all claims; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the City Attorney is hereby authorized to conclude the settlement of all claims of Janaya Davis against the City of Atlanta and Dennis Rubin, as set forth in Civil Action File No. 1:06-CV-2818-JTC-JFK, in the United States District Court for the Northern District of Georgia, for the aggregate amount of eighty-five thousand dollars (\$85,000.00), including execution of settlement documents; and

SECTION 2. That the Chief Financial Officer is authorized to pay to Janaya Davis and her attorney Alysia B. Freeman, the total sum of \$85,000.00, which shall be paid from **Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).**